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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,142	05/30/2001	Steven B. Smith	13660.17	4558
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KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER MADAMBA, CLIFFORD B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,142

Applicant(s)

SMITH ET AL.

Examiner

CLIFFORD MADAMBA

Art Unit

3696

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11-15 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-15, 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after notice of allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 December 2009 has been entered.

Status of Claims

This action is in reply to the remarks and amendment for Application 09/870,142 filed on 10 December 2009.

Claims 1, 11, 32-34 have been amended.

Claims 2-10, 16-31 remain cancelled.

Claims 1, 11-15, 32-34 are currently pending and have been examined.

Response to Arguments

Applicant's arguments filed 10 December 2009 have been fully considered but they are not persuasive.

With regard to independent claim 1 as amended, Applicant argues that the cited references do not teach or disclose a budgeting system that allows for the allocation of a given amount of funding to a each of a plurality of virtual accounts prior to the advent of any financial transaction, establishing fixed budgets for each of the virtual accounts over a specified period of time. The Examiner respectfully

disagrees since the recited limitation, broadly interpreted, still reads on the cited embodiment disclosed by the combined references as follows:

"The present invention is a computer implemented graphical personal financial budgeting and planning system that models current and planned financial information as graphical objects... Each object models a single financial entity (such as accounts...) or financial activity... Within the software program, a user generates each graphical object, fills in the pertinent information about the object and then places the object onto a time-line... The program allows the financial activity of each financial object to be concurrently simulated modeling past, current, and planned financial behavior..." (Wood, C1 L54-67; C2 L2-5, L7-9) – discloses wherein account objects (classes and categories) are created prior to the filling in of account information thereafter.

"Each object of the software program may be derived from an object class selected from the group consisting of an account class, a transaction class, a category class, and a template class. The account class may comprise objects selected from the group consisting of bank account objects, credit account objects, investment account objects... The category class may comprise an expense category class and an income category class..." (Wood, C3 L2-9, L14-16) – discloses the prior creation of account objects consisting of various classes and categories (account class, category class, expense category class, etc.).

"The personal financial management software program may further comprise account data from other financial programs imported into account objects." (Wood, C3 L35-37) – discloses wherein account data is entered into account objects after the generation of said account objects.

"FIG. 7 depicts a screen showing a prompt box for entering extended budgeting and planning information for a category template..." (C5 L43-45) – discloses means for inputting account data or information into account objects after the generation of said account objects.

"The budgeting analysis tool [13] enables the user to compare current financial activity with modeled financial activity..." (Wood, C7 L20-22) – discloses use of the system for budgeting purposes after account data or information has been inputted into account objects.

"...prompt box [72] is used to create a template object that models and simulates regular spending for a selected category. The spending activity template creates a purchase transaction object that associates an existing account object with a category object. The cash flow from a designated account (My Checking) to a category (Clothing) will be simulated by the system via the purchase transition object. It is important to note that this template not only can model current financial activity (for budgeting purposes), but can also simulate future financial activity (for planning analysis)... The user enters the information into the prompt box [72] and clicks the DONE button..." (Wood, C8 L53-67) – discloses wherein account data is entered into account objects after the generation of said account objects.

The above references thus teach or disclose a budgeting system that allows for the allocation of a given amount of funding to a each of a plurality of virtual accounts prior to the advent of any financial transaction, establishing fixed budgets for each of the virtual accounts over a specified period of time.

The limitations for the claim(s) above as written, do not differentiate from the disclosures described above and are therefore interpreted broadly. The Office thus asserts that the above argued feature is sufficiently disclosed by the cited reference(s) in view of the current language of the claim recitation. The rejection is therefore maintained.

Applicant further argues that the cited references do not disclose a system wherein a central server or the personal finance application accesses and searches recent credit and online checking account records on the internet from a plurality of financial accounts. The Examiner respectfully disagrees since the recited limitation, broadly interpreted, still reads on the cited embodiment disclosed by the combined references as follows:

"The present invention... enables the users to upload financial information to the database from a wide variety of remote input devices, via the communication network, and subsequently permits the users to download and integrate that information into their respective personal finance applications." (Wells, C3 L51-56) – discloses searching and accessing of financial account information from remote sites including an internet website for use with a personal finance application.

"With reference now to FIG. 6, there is depicted a personal finance application user interface [600] which includes an account screen [602] and an Accept Transactions window [610]. As shown in FIG. 6, the financial profile of this personal finance application includes a checking account, a savings account and a credit card account... In the state shown in FIG. 6, personal finance application [118] has previously received three transactions which were uploaded from some remote input device and subsequently downloaded into personal finance application [118] in accordance with the procedures described above... Upon invoking the accept transaction function, the personal finance application matches the account name from each transaction to the account names from the account list of the personal finance application... In the event that a single transaction is error-free, that transaction can be integrated into the application by selection of an Accept button [618]... This completes the acceptance procedure and the user can, once again, use the personal finance software as usual." (Wells, C16 L20-25; L33-37; L42-45; L62-65; C17 L1-2) – discloses searching and accessing ("downloading" and "integrating") account records from a website for integration into a personal finance application.

The above references thus teach or disclose a system wherein a central server or the personal finance application accesses and searches recent credit and online checking account records on the internet from a plurality of financial accounts.

The limitations for the claim(s) above as written, do not differentiate from the disclosures described above and are therefore interpreted broadly. The Office thus asserts that the above argued feature is

sufficiently disclosed by the cited reference(s) in view of the current language of the claim recitation.
The rejection is therefore maintained.

Amended independent claims 11, 32-34 recite similar subject matter as claim 1 and are rejected under the same basis.

With regard to each of the dependent claims, the applicant's arguments stand unpersuasive in light of the rejection of independent claims discussed above from which the dependent claims depend.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are considered moot in light of the grounds of rejection, provided below, for the current listing of claims.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11-15 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in further view of Wells et al., U.S. Patent 6,446,048 ("Wells").

[Claim 1] (currently amended): Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial decision making across a plurality of financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instruction sets stored on a computer readable medium (col. 3, lines 25-43);
- allocating recent transactions to a virtual account corresponding to the type of transaction (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of accounts using the processor device;
- automatically debiting the virtual account according to the transaction and crediting the virtual account when additional funds become available;

Wood, however, makes these teachings (see at least column 7, lines 17-22 , lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a

budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey doesn't further disclose:

- automatically using a third-party internet-connected gateway to repeatedly access a plurality of financial institutions and to repeatedly search on-line credit card account and on-line checking account records of a plurality of actual financial accounts maintained by the plurality of financial institutions for recent purchases;
- wherein records of the recent transactions are automatically obtained from the financial institutions by the gateway;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). Wells discloses as his invention a web-based entry of financial transaction information and subsequent download of such information. The present invention relates to the exchange of financial information over a global communication network. More particularly, the invention relates to centrally storing financial information received from mobile users and subsequently providing that information back to the respective users so that it can be integrated into the user's personal finance software. Wells further discloses an embodiment wherein a third-party web-site could be communicatively linked via network, further wherein said web-site could be the web-site of a bank, a governmental agency and/or a commercial vendor or any web-site where financial transactions can occur electronically. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further disclose:

- aggregating the search results using the gateway and displaying the search results over the Internet to a local processor device prior to the advent of any financial transactions establishing fixed budgets for each of the virtual accounts over a specified period of time;

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

[Claims 11-15]: Claim 11 recites limitations already addressed by the rejection of claim 1 above, therefore the same rejection applies. Furthermore, Chancey discloses the structural elements of claims 11-15 that perform the recited functionality (col. 5, lines 43-46).

Claim 32 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), and further in view of Wells et al., U.S. Patent 6,446,048 ("Wells").

[Claim 32] (currently amended): Chancey discloses a forward-looking method for managing financial resources in an automated fashion for real-time categorical financial decision making across a plurality of actual financial accounts comprising:

- allocating transactions to an account selected from the plurality of virtual accounts (col. 3, lines 46-51; col. 4, lines 1-5)

Chancey doesn't explicitly disclose:

- establishing a plurality of virtual financial accounts prior to the advent of any financial transactions overlaid upon at least one actual financial account using a processor device running computer language instructions stored on a computer readable medium;
- allocating a given amount of funding for each of the plurality of accounts using the processor device establishing fixed budgets for each of the virtual accounts;
- automatically debiting or crediting the allocated fund amount according to the transactions allocated to the particular account and from the actual financial account as the transactions are obtained by the gateway;

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- using an Internet-connected gateway to access a plurality of financial institutions and to search on-line records of the plurality of financial institutions representing a plurality of actual accounts for purchases on credit card or other financial instruments;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Claims 33-34 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in view of Wells et al., U.S. Patent 6,446,048 ("Wells"), and further in view of Goldsmith, U.S. 6,064,990 ("Goldsmith").

[Claim 33] (currently amended): Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion for real-time categorical financial decision making across a plurality of actual financial accounts comprising:

- allocating transactions to a virtual account corresponding to the type of transaction using the processor device (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- establishing a plurality of virtual financial accounts prior to the advent of any financial transactions overlaid upon an actual financial account using a processor device running computer language instructions stored on a computer readable medium establishing fixed budgets for each of the virtual financial accounts over a specified period of time;

- allocating a given amount of budget for each of the plurality of accounts;
- automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available;

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial institutions using an Internet-connected gateway for transactions made on a plurality of a user's credit cards;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further explicitly disclose:

- notifying the user of the transactions as record of the transactions are obtained from the financial institutions;

Goldsmith, however, makes this teaching (col. 1, lines 53-64; col. 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, col. 1, lines 51-52).

[Claim 34] (currently amended): Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial decision making across a plurality of actual financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instructions stored on a computer readable medium (col. 3, lines 25-43);
- allocating transactions to a virtual account corresponding to the type of transaction (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of accounts using the processor device prior to the advent of any financial transactions establishing fixed budgets for each of the virtual accounts over a specified period of time;

- automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available when a new budgetary period begins.

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial institutions using an Internet-connected gateway for transactions made on a plurality of a user's credit cards and notifying the user of the transactions;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further explicitly disclose:

- notifying a user over the Internet when a purchase on a credit card or other financial instrument has been made as records of the transactions are obtained by the gateway;

Goldsmith, however, makes this teaching (col. 1, lines 53-64; col. 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, col. 1, lines 51-52).

Conclusion

Claims 1, 11-15, 32-34 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hani Kazimi, can be reached at 571-272-6745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clifford Madamba/
Patent Examiner, Art Unit 3696

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Primary Examiner, Art Unit 3691